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Attorneys for Defendants

HANDLER, THAYER & DUGGAN, LLC and
 THOMAS J. HANDLER, J.D., P.C. (erroneously sued
 herein as THOMAS J. HANDLER, individually)

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREGORY R. RAIFMAN, individually and as)
 Trustee of the RAIFMAN FAMILY REVOCABLE)
 TRUST DATED 7/2/03; SUSAN RAIFMAN,)
 individually and as Trustee of the RAIFMAN)
 FAMILY REVOCABLE TRUST DATED 7/2/03;)
 and GEKKO HOLDINGS, LLC, an Alaskan limited)
 liability company, dba GEKKO BREEDING AND)
 RACING,)

Plaintiffs,

vs.

CLASSICSTAR, LLC, a Utah limited liability)
 company; CLASSICSTAR FARMS, LLC, a)
 Kentucky limited liability company; BUFFALO)
 RANCH, a business entity form unknown;)
 GEOSTAR CORPORATION, a Delaware)
 corporation; S. DAVID PLUMMER; SPENCER D.)
 PLUMMER, III; TONY FERGUSON; THOMAS)
 ROBINSON/ JOHN PARROT; HANDLER,)
 THAYER & DUGGAN, LLC, an Illinois limited)
 liability company; THOMAS J. HANDLER;)
 KARREN, HENDRIX, STAGG, ALLEN &)
 COMPANY, P.C., a Utah professional corporation,)
 f/k/a/ KARREN, HENDRIX &)
 ASSOCIATES, P.C., a Utah professional)
 corporation; TERRY L. GREEN; and DOES)
 1-1000, inclusive,)

Defendants.

No. C07-2552 EDL

NOTICE OF MOTION AND
 MOTION TO SET ASIDE
 DEFAULT [FRCP 55(c)]

DATE : 08/28/07
 TIME : 9:30 a.m.
 COURTROOM : 11

1 TO: PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on August 28, 2007, at 9:30 a.m., or as soon thereafter
3 as the matter may be heard, in Courtroom 11 of the above-entitled court, located at 450 Golden Gate
4 Avenue, 19th Floor , San Francisco, California, defendants HANDLER, THAYER & DUGGAN,
5 LLC and THOMAS J. HANDLER will, and do hereby, move the court pursuant to Rule 55(c) of the
6 Federal Rules of Civil Procedure to set aside the default entered by the clerk on July 11, 2007.

7 This motion is brought on the following grounds:

- 8 1. Mistake of fact on the part of defendants;
9 2. Excusable neglect on the part of defendants' counsel;
10 3. Absence of any prejudice to plaintiffs;
11 4. Absence of culpable conduct; and
12 4. Good and meritorious defense on the part of defendants.

13 This motion is made and based on this notice; the accompanying memorandum of
14 points and authorities and declarations of Thomas J. Handler, John M. Drath, Roberta C. Beach and
15 Scott Stains; the pleadings, papers, and records on file with the court in said action; and on such oral
16 and documentary evidence as may be presented at the hearing of said motion.

17 DATED: July 23, 2007

DRATH, CLIFFORD, MURPHY & HAGEN, LLP

18
19 By 

20 JOHN M. DRATH

Attorneys for Defendants

21 HANDLER, THAYER & DUGGAN, LLC and
22 THOMAS J. HANDLER, J.D., P.C. (erroneously sued
herein as THOMAS J. HANDLER, individually)

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